

Kevin P. Rooney, #107554
Of Counsel, HAMMERSCHMIDT LAW CORPORATION
2445 Capitol Street, Suite 150
Fresno, CA 93721
Tel: (559) 233-5333
Fax: (559) 233-4333

Attorney for Defendant, GERARDO PEREZ

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GERARDO PEREZ,

Defendant.

Case No.: 1:21-CR-185 NONE/SKO

Stipulation and Order Regarding
Property Bond and PreTrial Release

The parties to this action, by and through their respective counsel, hereby stipulate as follows:

1. That Mr. Gerardo Perez was previously Ordered released pending trial pursuant to certain conditions.

2. One of the conditions of release was the posting of a property bond encumbering all available equity in the residence located at 2402 N. Wishon Avenue, Fresno California with that available equity to be a minimum of Two Hundred Thousand Dollars (\$200,000.)

3. Upon review of an appraisal of that Wishon Avenue property and the examination of a preliminary title report, defense counsel has advised government counsel and the assigned PreTrial Services Officer, that the available equity is approximately One Hundred Sixty Nine Thousand Dollars (\$169,000).

1 4. Counsel for the government is aware of the above-described shortfall in equity
2 and is willing to accept the property bond for the Wishon Avenue property as security for Mr.
3 Gerardo Perez' release. Defense counsel represents to the Court that the assigned PreTrial
4 Services Officer has been informed of the above-described shortfall in equity and that PreTrial
5 Services considers the Wishon Avenue property a suitable security with knowledge of that
6 shortfall.
7

8 5. Counsel for the government and defense stipulate and agree that the Conditions of
9 Release previously imposed by the Court should be modified as follows (the modified language
10 is italicized):
11

12 (7)(i) execute a bond or an agreement to forfeit upon failing to appear or failure to abide
13 by any of the conditions of release, the following sum of money or designated property:
14 A property bond secured by the total equity of not less than *approximately \$169,000* in
15 the residence owned by Marry Ann Perez (girlfriend's adult daughter)

16 6. One of the conditions of release was Mr. Gerardo Perez' immediate
17 transportation to an inpatient substance abuse treatment facility. Mr. Perez was ordered to be
18 escorted by a responsible party coordinated by defense counsel. PTSO DeLaTorre has
19 confirmed that the inpatient program which Mr. Perez has been ordered to attend will not
20 transport him from the Fresno County Jail to that facility. Defense counsel has represented that
21 Mr. Perez does not have any family members who are both available and suitable to transport
22 him. Defense Counsel has contacted the Fresno branch of the Office of the Federal Defender,
23 spoken with CJA coordinator Connie Garcia and confirmed that Federal Defender's Office
24 personnel are not permitted to transport clients represented by CJA panel counsel. Defense
25 counsel has also been advised that CJA compensation for transportation by an investigator or
26 counsel may be challenged unless specifically ordered by the Court. Counsel for the government
27

1 and defense stipulate and agree that the Conditions of Release previously imposed by the Court
2 should be modified as follows (the modified language is italicized):

3 (7)(m) participate in the substance abuse treatment program at inpatient facility
4 Community Social Model Advocates and comply with all the rules and regulations of the
5 program. You must remain at the inpatient facility until released by the pretrial services
6 officer. A responsible party coordinated by defense counsel must escort you to all
7 required court hearings and escort you back to the inpatient facility upon completion of
8 the hearing. *Defense counsel is authorized to use the services of a professional*
9 *investigator, including but not limited to Robert Gonzalez, or defense counsel or other*
10 *members of counsel's professional staff to perform the escorts described above. Defense*
11 *counsel is also ordered to arrange Mr. Gerardo Perez' initial transportation from*
12 *custody to the inpatient facility Community Social Model Advocates and authorized to*
13 *use the services of a professional investigator, including but not limited to Robert*
14 *Gonzalez, or defense counsel or other members of counsel's professional staff, for that*
transportation.

15 It is so stipulated:

16
17 Dated: August 16, 2021

/s Kevin Rooney
KEVIN P. ROONEY
Attorney for defendant
GERARDO PEREZ

18
19
20 Dated: August 16, 2021

PHILLIP A. TALBERT
Acting United States Attorney

21
22 /s Katherine Schuh
KATHERINE SCHUH
Assistant United States Attorney
23
24
25
26
27

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GERARDO PEREZ,

Defendant.

Case No.: 1:21-CR-185 NONE/SKO

Order Regarding Property Bond
and PreTrial Release

Pursuant to the stipulation of the parties, and having duly considered the matter, the Court makes the following findings:

That the amount of equity available in the property located at 2402 N. Wishon Avenue, Fresno, California provides sufficient security for Mr. Gerardo Perez' conditions of release;

That a responsible individual must be responsible for transporting Mr. Perez from his custody facility to his inpatient substance abuse facility;

That the inpatient substance abuse facility will not provide that transportation;

That Mr. Perez does not have a family member that is both available and suitable to provide that transportation;

That the Office of the Federal Defender will not transport someone, such as Mr. Perez, who is represented by CJA Panel Counsel and not by the Office of the Federal Defender.

Based on these findings, the stipulation of the parties, the PreTrial Services Reports, and other evidence and arguments presented to the Court;

1 IT IS HEREBY ORDERED THAT:

2 The Conditions of PreTrial Release previously issued in the above-captioned case as to
3 Gerardo Perez only are modified as set forth below (the modifications are italicized):


4
5 (7)(i) execute a bond or an agreement to forfeit upon failing to appear or failure to abide
6 by any of the conditions of release, the following sum of money or designated property:
7 A property bond secured by the total equity of not less than *approximately \$169,000* in
8 the residence owned by Marry Ann Perez (girlfriend's adult daughter)

9 (7)(m) participate in the substance abuse treatment program at inpatient facility
10 Community Social Model Advocates and comply with all the rules and regulations of the
11 program. You must remain at the inpatient facility until released by the pretrial services
12 officer. A responsible party coordinated by defense counsel must escort you to all
13 required court hearings and escort you back to the inpatient facility upon completion of
14 the hearing. *Defense counsel is authorized to use the services of a professional*
15 *investigator, including but not limited to Robert Gonzalez, or defense counsel or other*
16 *members of counsel's professional staff to perform the escorts described above. Defense*
17 *counsel is also ordered to arrange Mr. Gerardo Perez' initial transportation from*
18 *custody to the inpatient facility Community Social Model Advocates and authorized to*
19 *use the services of a professional investigator, including but not limited to Robert*
20 *Gonzalez, or defense counsel or other members of counsel's professional staff, for that*
21 *transportation.*

22 All other conditions of PreTrial Release previously ORDERED remain in full force and
23 effect.

24 IT IS SO ORDERED.

25 Dated: 8/17/2021

26 
27 Hon. SHEILA K. OBERTO
United States Magistrate Judge